

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Terry Hughes,)	
)	C/A No. 2:09-2028-MBS-BM
Plaintiff,)	
)	
vs.)	
)	ORDER
Palmetto Oakbrook Operating LLC d/b/a)	
Oakbrook Health and Rehabilitation)	
Center,)	
)	
Defendant.)	
_____)	

Plaintiff Terry Hughes brings this action pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, et seq. This matter is before the court on motion to set aside entry of default filed by Defendant Palmetto Oakbrook Operating LLC on December 22, 2009. Plaintiff filed a response in opposition on January 8, 2010, to which Defendant filed a reply on January 19, 2010. Both parties also filed a supplemental affidavits on January 29, 2010.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling. On February 5, 2010, the Magistrate Judge issued a Report and Recommendation in which he determined that Defendant demonstrated good cause to set aside entry of default. See Fed. R. Civ. P. 55(c). Accordingly, the Magistrate Judge recommended that Defendant's motion to set aside entry of default be granted. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo

determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. Defendant's motion to set aside entry of default (Entry 9) is **granted**. The case is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

February 25, 2010.